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JAN 26 2021

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY AKC DEPUTY CLERK

## UNITED STATES DISTRICT COURT

for the

Western District of TexasEl Paso DivisionShawn Jose Osuna

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Delek US

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No. \_\_\_\_\_

(to be filled in by the Clerk's Office)

Jury Trial: (check one)



Yes



No

**EP21CV0016ATB****COMPLAINT FOR A CIVIL CASE ALLEGING NEGLIGENCE**

(28 U.S.C. § 1332; Diversity of Citizenship)

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Shawn Jose Osuna

Street Address

4700 Maxwell Ave # 9

City and County

El Paso

State and Zip Code

Texas 79904

Telephone Number

914 495 8952

E-mail Address

ShawnOsuna@yahoo.com**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

## Defendant No. 1

Name

Job or Title (if known)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address (if known)

Delek US Holdings Inc

7102 Commerce Way

Brentwood

TN 37027

615 771 6701

Julie. Rossberger@delek.us.com  
Rossberger

## Defendant No. 2

Name

Job or Title (if known)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address (if known)

## Defendant No. 3

Name

Job or Title (if known)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address (if known)

## Defendant No. 4

Name

Job or Title (if known)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address (if known)

**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Under 28 U.S.C. § 1332, federal courts may hear cases in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000. In that kind of case, called a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff. Explain how these jurisdictional requirements have been met.

**A. The Plaintiff(s)**

1. If the plaintiff is an individual

The plaintiff, (name) Shawn Jose Osuna, is a citizen of the  
State of (name) Texas.

2. If the plaintiff is a corporation

The plaintiff, (name) \_\_\_\_\_, is incorporated  
under the laws of the State of (name) \_\_\_\_\_,  
and has its principal place of business in the State of (name) \_\_\_\_\_.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

**B. The Defendant(s)**

1. If the defendant is an individual

The defendant, (name) \_\_\_\_\_, is a citizen of  
the State of (name) \_\_\_\_\_. Or is a citizen of  
(foreign nation) \_\_\_\_\_.

2. If the defendant is a corporation

The defendant, (name) Delek US Holdings, is incorporated under  
the laws of the State of (name) TN, and has its  
principal place of business in the State of (name) \_\_\_\_\_.  
Or is incorporated under the laws of (foreign nation) \_\_\_\_\_,  
and has its principal place of business in (name) \_\_\_\_\_.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

**C. The Amount in Controversy**

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

*The Plaintiff has been dealt with Dan. & Sonberry  
and mental issues since this has occurred  
due to the negligence of the act*

### III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

On (date) \_\_\_\_\_, at (place) \_\_\_\_\_,

the defendant(s): (1) performed acts that a person of ordinary prudence in the same or similar circumstances would not have done; or (2) failed to perform acts that a person of ordinary prudence would have done under the same or similar circumstances because (describe the acts or failures to act and why they were negligent).

The defendant stole gas money and caused a altercation while he was working at a Atom gas station

The acts or omissions caused or contributed to the cause of the plaintiff's injuries by (explain).

Causing mental distress and Emotional along with other mentally depressed issues

### IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

I am asking Compensation For Issues caused by this matter  
 noneconomic damages \$ 100,000 = \$ 300,000  
 exemplary Damages \$ 200,000

**V. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 1-13-21

Signature of Plaintiff

Printed Name of Plaintiff

Shawn Jon Osung

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

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WESTERN DISTRICT OF TEXAS  
BY MC  
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## Attachment 6 - Motion for Appointment of Counsel

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
\_\_\_\_\_  
DIVISIONShawn Jose Osuna

(Name of plaintiff or plaintiffs)

Civil Action Number:

v.

**EP21CV0016** ATBDelek US Holdings Inc. (Case Number to be supplied  
by the Intake Clerk)

(Name of defendant or defendants)

**MOTION FOR APPOINTMENT OF COUNSEL**Comes now, Shawn Jose Osuna, Plaintiff in the above-styled and numbered matter, and respectfully requests appointment of counsel as provided by in 42 U.S.C. §2000e-5(f)(1). In support thereof, Plaintiff will show the following:

I. That Plaintiff has made a diligent effort to employ counsel.

[☒] CONTACTED PRIVATE ATTORNEYS. (List all attorneys **who specialize in labor law, employment discrimination or civil rights** complaints you contacted and state why each would not represent you.)No one responded[☒] CONTACTED LEGAL AID ASSOCIATION. (Texas Rio Grande Legal Aid Inc.: (888) 988-9996 (State when this association was contacted and why it could not assist you.)No One Responded[☒] CONTACTED LOCAL LAWYER REFERRAL SERVICE. (San Antonio Bar Association Lawyer Referral Service: (210) 227-1853). (List the lawyers to whom you were referred, the attorneys you contacted, and why they could not assist you.)No One Responded

II. Please state your level of education:

- [ ] Did not graduate from high school. (Specify highest grade completed) \_\_\_\_\_
- [ ] G.E.D. (Date acquired) \_\_\_\_\_
- [ ] High School Graduate. (Year graduated) \_\_\_\_\_
- [ ] Some College. (Specify field of study) Business Management
- [ ] College Graduate. (Specify field of study) \_\_\_\_\_
- [ ] Graduate Level Education (Specify level and field of study) \_\_\_\_\_

III. Please state your employment for the last five years beginning with your most current employment:

Employer: \_\_\_\_\_  
 Salary/Wages per Month: \_\_\_\_\_  
 Position: \_\_\_\_\_  
 Dates of Employment: \_\_\_\_\_

Employer: \_\_\_\_\_  
 Salary/Wages per Month: \_\_\_\_\_  
 Position: \_\_\_\_\_  
 Dates of Employment: \_\_\_\_\_

Employer: \_\_\_\_\_  
 Salary/Wages per Month: \_\_\_\_\_  
 Position: \_\_\_\_\_  
 Dates of Employment: \_\_\_\_\_

Employer: \_\_\_\_\_  
 Salary/Wages per Month: \_\_\_\_\_  
 Position: \_\_\_\_\_  
 Dates of Employment: \_\_\_\_\_

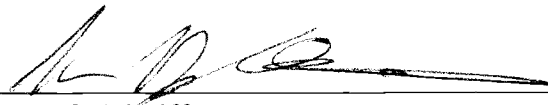
Employer: \_\_\_\_\_  
 Salary/Wages per Month: \_\_\_\_\_  
 Position: \_\_\_\_\_  
 Dates of Employment: \_\_\_\_\_

IV. Plaintiff is financially unable to hire counsel for the reasons stated in the attached Application to Proceed In Forma Pauperis. **(Please complete the attached Application to Proceed In Forma Pauperis)**

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

1-13-21

Date



Signature of Plaintiff